



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Caption in compliance with D.N.J. LBR 9004-2(c)**

NOWELL AMOROSO KLEIN BIERMAN P.A.  
155 Polifly Road  
Hackensack, New Jersey 07601  
(201) 343-5001  
David Edelberg, Esq. (DE-6258)  
Rick A. Steinberg, Esq. (RS-7396)  
Attorneys for Sayreville Plaza, LLC

---

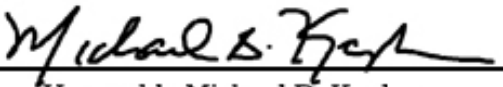
In Re:	:	Case No. 10-15436
	:	
	:	Chapter 11
ETHAN H, LLC,	:	
	:	Judge Michael B. Kaplan
Debtor.	:	
	:	Hearing Date: July 12, 2010 @ 11:00 a.m.

---

**ORDER SETTLING SAYREVILLE PLAZA'S CERTIFICATION OF DEFAULT  
SEEKING TO TERMINATE A NONRESIDENTIAL REAL PROPERTY LEASE  
WITH THE DEBTOR AND FOR RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through five (5), is hereby  
ORDERED.

**DATED: 7/15/2010**

  
\_\_\_\_\_  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

In re: Ethan H, LLC  
Case No. 10-15436 (MBK)  
Page 2 of 5

**ORDER SETTLING SAYREVILLE PLAZA'S CERTIFICATION OF DEFAULT  
SEEKING TO TERMINATE A NONRESIDENTIAL REAL PROPERTY LEASE  
WITH THE DEBTOR AND FOR RELATED RELIEF**

This matter having been opened to the court by Sayreville Plaza, LLC ("Sayreville Plaza"), a creditor and lessor of commercial real property to the debtor and debtor-in-possession, Ethan H, LLC (the "Debtor"), through its undersigned attorneys, Nowell Amoroso Klein Bierman, P.A., by way of filing a certification of default on July 7, 2010, pursuant to the terms of this Court's June 16, 2010 Order, seeking entry of an order terminating a lease of non-residential real property (the "Lease"), regarding the real property located at 960 Route 9 South, South Amboy, New Jersey (the "Leased Premises"), evicting the Debtor from the Leased Premises, and converting the Debtor's Chapter 11 case to a Chapter 7 case, it appearing that as of the July 12, 2010 hearing the Debtor had not remitted any payment towards the rent due on July 1, 2010, it appearing that the balance due for July rent is \$28,008.75, consisting of rent of \$19,475.00, a late fee of \$1,333.75 and CAM charges of \$7,200.00, it appearing that \$8,000.00 was delivered to Sayreville Plaza at the July 12 hearing, leaving a balance due for July rent of \$20,008.75, and the Court having conducted a Status Conference on July 12, 2010; and Sayreville Plaza and the Debtor having agreed to the relief provided for herein, it is hereby:

ORDERED, that the Debtor shall remit a payment of \$20,008.75 to Sayreville Plaza for the remaining balance due for July rent by July 23, 2010, and it is further

ORDERED, that the Debtor will pay \$10,000.00 to Sayreville Plaza on account of counsel fees, without prejudice to Sayreville Plaza's rights to seek additional counsel fees

In re: Ethan H, LLC  
Case No. 10-15436 (MBK)  
Page 3 of 5

**ORDER SETTLING SAYREVILLE PLAZA'S CERTIFICATION OF DEFAULT  
SEEKING TO TERMINATE A NONRESIDENTIAL REAL PROPERTY LEASE  
WITH THE DEBTOR AND FOR RELATED RELIEF**

pursuant to the terms of the Lease, and it is further

ORDERED, the Debtor shall satisfy the foregoing counsel fee obligation through weekly payments of \$1,000.00, commencing July 19, 2010, and on each successive Monday thereafter, for a total of 10 weekly payments, and it is further

ORDERED, the Debtor shall remit the rent for August in 3 equal payments of \$9,336.25 each, payable to Sayreville Plaza on August 2, August 9 and August 16, 2010, and it is further

ORDERED, all of the payments provided for herein shall be time of the essence and delivered to Sayreville Plaza's counsel, Nowell Amoroso Klein Bieman, PA, 155 Polifly Road, Third Floor, Hackensack, New Jersey, and received by 5:00 p.m. on the applicable due date, and it further

ORDERED, that in the event the Debtor does not remit any of the payments provided for herein so that it is received by Sayreville Plaza's counsel by 5:00 pm on the applicable due date, the Debtor will be in default, and it is further

ORDERED, upon default as defined in the immediately preceding decretal paragraph, Sayreville Plaza shall be entitled to immediate entry of an order terminating the Lease, granting Sayreville Plaza relief from the automatic stay in order to exercise its rights under the Lease, including evicting the Debtor, and converting the Debtor's Chapter 11 case to a Chapter 7 case, by filing a certification of default with a proposed form of order granting the foregoing relief,

In re: Ethan H, LLC  
Case No. 10-15436 (MBK)  
Page 4 of 5

**ORDER SETTLING SAYREVILLE PLAZA'S CERTIFICATION OF DEFAULT  
SEEKING TO TERMINATE A NONRESIDENTIAL REAL PROPERTY LEASE  
WITH THE DEBTOR AND FOR RELATED RELIEF**

solely on ecf notice to the Debtor, and it is further

ORDERED, in the event of a default by the Debtor hereunder, and Sayreville Plaza's subsequent filing of a certification of default, the Debtor's defense to same shall be that the required payment(s) was paid in full in compliance with the strict time table provided for herein, and it is further

ORDERED, conditioned upon the Debtor's strict compliance with the payments provided for herein, and conditioned upon the Debtor's timely remittance of all future rent, CAM charges and late fees to Sayreville Plaza, the time within which the Debtor may assume or reject the lease is hereby extended to September 13, 2010, and it is further

ORDERED, the Debtor's motion to further extend its time to assume or reject the Lease is adjourned to September 13, 2010 at 11:00 a.m., and it is further

ORDERED, that if the Lease is deemed terminated hereunder, then the Debtor shall immediately terminate the use of the Leased Premises; and it is further

ORDERED, the Debtor will provide Sayreville Plaza and Unity Bank with a copy of all purchase offers for any of the Debtor's assets within 3 days of the Debtor's receipt of same, and it is further

ORDERED, the Debtor will remit a payment of \$2,000.00 to Unity Bank by July 20, 2010, and it is further

In re: Ethan H, LLC  
Case No. 10-15436 (MBK)  
Page 5 of 5

**ORDER SETTLING SAYREVILLE PLAZA'S CERTIFICATION OF DEFAULT  
SEEKING TO TERMINATE A NONRESIDENTIAL REAL PROPERTY LEASE  
WITH THE DEBTOR AND FOR RELATED RELIEF**

ORDERED, that this Consent Order is effective immediately and the ten (10) day stay period imposed by Federal Rule of Bankruptcy Procedure 4001(a)(3) with respect to the lifting of the automatic stay is waived; and it is further

ORDERED that Sayreville Plaza's counsel shall serve a copy of this Order upon the Debtor, the Debtor's counsel, all parties who filed a notice of appearance and request for service of papers, and the Office of the United States Trustee, within seven (7) days hereof.

G:\wp\WPDATA\CLIENT FILES\P Files\Pyramid Group\02 Pyramid Construction Group LLC\Pleadings\order direct rent payments 07.13.10.doc